

Remarks

In response to the November 17, 2004 office action, applicant has modified claims 8 in respect to the distance between adjacent pairs of wires. This is believed to meet the examiner's objection under 35 USC 112 to claims 8-11.

In respect to the claims which are rejected as either anticipated or obvious based on Jenkins U.S. Patent 3,265,430, applicant has amended the claims to recite that there is a cap joining the outer ends of the wires (see for example 41 in figs 5, 6). This cap cooperates with the wires so as to prevent the radial displacement of the wires. This aids in defining the outer cradle and thus insures consistent and uniform operation of the device by preventing any major physical displacement of any of the rods forming the cradle in the capture area 30 of the applicant's invention (pg 8 ln 19-pg 9 ln 5; figs 5, 6). In contrast, Jenkins at most teaches of an aggregate of rigid resilient loops that are crossed (col 2 ln 69; col 3 ln 2; fig 6). There is no teaching in Jenkins of any sort of connection of these resilient loops any place but at the collar 74 (col 2 ln 71). Jenkins does not have or teach of the presently claimed end cap and as a result Jenkins is subject to uneven productivity.

In respect to a combination of Jenkins in view of Seeger U.S. Patent 3,743,338, Seeger teaches that the metal

band 23 is provided to modify the operation of wires 11, 13 (col 2 lns 45-47; col 3 lns 47-51). This opens up the spacing between the wires on the opposite side of the retriever to form a golf ball sized opening (col 3 lns 52-55). This is said to provide a retriever having a cross section less than that of a golf ball, but still able to retrieve same (col 4 lns 6-9) with the concomitant ability for retrieval from virtually any place the golf ball itself could fit (col 3 lns 7-11; col 4 lns 10-12). There is no reason for more than four wires.

Therefore, even granting Seeger may have four wires, adding more wires or an end cap would negate the asymmetrical operation of Seeger and thus additionally differentiate over a combination of Jenkins and Seeger.

As the independent claims differentiate over Jenkins and Jenkins and Seeger, no argument of the additional patentability points is believed to be needed at this time.

New claim 13 builds on the recitations of claim 12 to further claim the preferred embodiment of the invention.

In that the above is believed to differentiate over the patents of record, favorable action is solicited.

Respectfully submitted,

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